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PART 52. HEALTH THREATS TO OTHERS > **§ 333.5203. Warning notice to carrier of serious communicable disease or infection; issuance; contents; requirements; service; cooperation in effort to prevent, control transmission; probate court order; notice and hearing.**

Citation: **mcl 333.2226**

Section: **MCLS § 333.5203**

MCLS § 333.5203

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CHAPTER 333 HEALTH
PUBLIC HEALTH CODE
ARTICLE 5. PREVENTION AND CONTROL OF DISEASES, INFECTIONS, AND DISABILITIES
PART 52. HEALTH THREATS TO OTHERS

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MCLS § 333.5203 (2004)

MCL § 333.5203

§ 333.5203. Warning notice to carrier of serious communicable disease or infection; issuance; contents; requirements; service; cooperation in effort to prevent, control transmission; probate court order; notice and hearing.

Sec. 5203. (1) Upon a determination by a department representative or a local health officer that an individual is a carrier and is a health threat to others, the department representative or local health officer shall issue a warning notice to the individual requiring the individual to cooperate with the department or local health department in efforts to prevent or control transmission of serious communicable diseases or infections. The warning notice may also require the individual to participate in education, counseling, or treatment programs, and to undergo medical tests to verify the person's status as a carrier.

(2) A warning notice issued under subsection (1) shall be in writing, except that in urgent circumstances, the warning notice may be an oral statement, followed by a written statement within 3 days. A warning notice shall be individual and specific and shall not be issued to a class of persons. A written warning notice shall be served either by registered mail, return receipt requested, or personally by an individual who is employed by, or under contract to, the department or a local health department.

(3) A warning notice issued under subsection (1) shall include a statement that unless the individual takes the action requested in the warning notice, the department representative or local health officer shall seek an order from the probate court, pursuant to this part. The warning notice shall also state that, except in cases of emergency, the individual to whom the warning notice is issued has the right to notice and a hearing and other rights provided in this part before the probate court issues an order.

HISTORY: Act 368, 1978, p 865; eff September 30, 1978.

Pub Acts 1978, No. 368, § 5203, eff September 30, 1978; amended by Pub Acts 1988, No. 490, eff March 30, 1989 (see 1988 note below).

NOTES:

Editor's notes:

Pub Acts 1988, No. 490, § 2, eff March 30, 1989, provides:

"Section 2. This amendatory act shall not take effect unless all of the following bills of the 84th Legislature are enacted into law:

"House Bill No. 4008 [which became Act No. 471 of 1988].

"House Bill No. 4103 [which became Act No. 489 of 1988].

"House Bill No. 5189 [which became Act No. 488 of 1988].

"Senate Bill No. 1041 [which became Act No. 491 of 1988]."

Michigan Digest references:

Health § 13

Municipal Corporations §§ 41.50, 212

LEXIS Publishing Michigan analytical references:

Michigan Law and Practice, Public Health and Welfare § 6

Other LEXIS Publishing analytical references:

Schwartz & Reidenberg, Data Privacy Law (1996, LLP) § 7-3(b)

CASE NOTES

The Public Health Code does not authorize licensed emergency medical services personnel to detain an individual suspected of carrying a communicable disease, such as severe acute respiratory syndrome (SARS) or smallpox; only a local health department and the Michigan Department of Community Health are authorized to seek an order of the circuit court to detain individuals suspected of carrying communicable diseases, and except in the case of an emergency where a 72-hour hold is permitted, such an order is subject to notice and an opportunity for a hearing. Similarly, neither the Public Health Code nor the Fire Prevention Code authorize the commanding officer of the fire department of a city, village, township, or county, or a firefighter in uniform acting under the orders and directions of the commanding officer, to detain an individual suspected of carrying a communicable disease. Op Atty Gen, Oct. 6, 2003, No. 7141.

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